

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB972

Hearing Date: Thursday January 26, 2012
Committee On: Judiciary
Introducer: Ashford
One Liner: Transfer the youth rehabilitation and treatment centers from the Office of Juvenile Services to the Department of Correctional Services

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Ashford, Coash, Council, Larson, Lathrop, Lautenbaugh, McGill
Nay:		
Absent:		
Present Not Voting:	1	Senator Harr

Proponents:

SEN. BRAD ASHFORD
SEN. GALEN HADLEY
KAYLA POPE
BOB HOUSTON
JANA PETERSON
KERRY WINTERER
JULIE DAKE ABEL
ROBIN SMITH
KELLY MURR
SUE BOKENCAMP

Representing:

INTRODUCER
SELF
BTNRH
DEPARTMENT OF CORRECTIONS
YRTC-KEARNEY
DHHS
NAPE/ AFSCME LOCAL 61
YRTC-KEARNEY/NAPE
YRTC-KEARNEY
NSEA

Opponents:

SARAH FORREST
MARY FRASER MEINTS

Representing:

VOICES FOR CHILDREN
UTA HALEE

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 972 would transfer supervision and control of the youth rehabilitation and treatment centers ("YRTCs") from the Office of Juvenile Services to the Department of Correctional Services. A new division would be created under Corrections to oversee the secure youth confinement facility in Omaha and the YRTCs in Kearney and Geneva. The new division would be called the Division of Juvenile Rehabilitation and Treatment. The Director of the Department of Correctional Services shall have a duty to issue detainers for the apprehension of those who run away from the YRTCs or the secure youth confinement facility.

The duty could be delegated to the assistant director or the CEO of one of the YRTCs or the secure youth confinement facility. The juvenile court could not conduct review hearings while a juvenile is committed to the Division of Juvenile Rehabilitation and Treatment. At least five business days prior to parole of a juvenile from a YRTS, the Division must

notify the juvenile court and OJS. Juveniles released from the YRTCs on parole would be deemed committed to the Office of Juvenile Services. The Division must design and provides programs and treatment services for the juveniles placed at the YRTCs. The Division must have access to all records pertaining to a juvenile committed to it. There shall be immunity from civil and criminal liability for those who release information to the Division in good faith. In determining the parole date for a juvenile the Division must consider the same elements currently in statute for OJS to consider prior to parole.

Explanation of amendments:

Committee Amendment AM 2598 would strike the original sections of LB 972 and insert the following provisions:

The minimum age of a juvenile placed with or committed to a YRTC would be raised from twelve to fourteen.

In determining how to file a petition or charge on a juvenile under the age of sixteen for a law violation, the county attorney must consider whether the juvenile has previously been committed to a YRTC.

If a juvenile committed to a YRTC assaults an employee of another youth at a YRTC or escapes or attempts to escape, the CEO of the YRTC must document such act and send a copy to the committing court and prosecutor as soon as possible. Such documentation may be offered as evidence in any hearing conducted regarding the amenability of the juvenile to the rehabilitative services that can be provided under the Nebraska Juvenile Code.

The OJS shall collaborate with Corrections regarding training of all employees and the safety and security of the YRTCs. The OJS annual report to the Legislature shall include information regarding such collaboration.

Brad Ashford, Chairperson